



**Testimony of Connecticut Fund for the Environment  
Before the Environment Committee**

*Regarding:*

**S.B. 347, AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN**

**S.B. 348, AN ACT CONCERNING WATER CONSERVATION**

**S.B. 349, AN ACT CONCERNING TRAINING FOR INLAND WETLANDS AGENCY  
MEMBERS AND AGENTS**

**H.B. 5410, AN ACT TRANSFERRING THE CONSERVATION FUNCTIONS OF THE  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION TO THE  
DEPARTMENT OF AGRICULTURE**

Submitted by Jessica Morowitz, Legal Fellow  
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*Connecticut Fund for the Environment ("CFE") is Connecticut's non-profit environmental advocate with over 5,400 members statewide. For over thirty years, CFE has fought to protect and preserve Connecticut's health and environment.*

**CFE supports S.B. 347, An Act Concerning the State's Open Space Plan.** This is a simple but important bill that will help the state achieve its Open Space goals.

This bill would require the Commissioner of DEEP, in consultation with the Council on Environmental Quality, municipalities, regional planning agencies and nonprofit land conservation organization, to update the comprehensive strategy for achieving the state's open space goal not less than once every five years. This comprehensive strategy would now include priorities for acquisition identified to be in the greatest need for immediate preservation. This bill would also have the Commissioner, in consultation with each state agency, identify lands owned by the state that are valuable for conservation purposes and include in the comprehensive strategy a strategy for preserving such state agency lands in perpetuity as open space. Finally, the bill would require the Commissioner to submit a report to the Environment Committee with recommendations for establishing a system to accurately keep track of lands preserved as open space throughout the state.

The small changes proposed in this bill should help advance the state's open space goals. By requiring more frequent updates to the plan and including priorities for acquisition, the state will be in a better position to act quickly if and when an opportunity to preserve open space presents itself. Also, establishing a system to accurately keep track of and inventory open space lands in the state will aid in the efforts to prioritize properties for acquisition. If the Department can see that a property is adjacent to a large protected open space area, that will help them in

determining the property's acquisition priority. The inventory will also help to create an accurate tool to track the state's progress toward achieving its open space goals.

CFE asks the Committee to vote favorably on S.B. 347, An Act Concerning the State's Open Space Plan.

**CFE supports S.B. 348**, An Act Concerning Water Conservation. This bill provides for regulatory policies and ratemaking tools to encourage water conservation.

This bill allows the Public Utilities Regulatory Authority (PURA) to authorize rates for water companies that promote water conservation and investments in infrastructure that promote water and energy conservation. PURA is directed to conduct a generic docket to identify the water and energy conservation programs that, if implemented, would be eligible for recovery in rates in a general rate case. The bill also allows PURA to authorize a water conservation and sustainability adjustment charge or credit and establishes the conditions for seeking and process for approving the adjustment. In addition, the bill amends the definition of "eligible projects" under the Water Infrastructure and Conservation Adjustment (WICA) program, to include the purchase of energy-efficient equipment or investments in renewable energy supplies as well as capital improvements necessary to comply with streamflow regulations. It also increases the WICA cap from seven to ten percent between rate cases.

All of these provisions should help both the water companies and their consumers conserve water. It will allow consumer programs that promote conservation, such as monthly billing or rebates for installing more efficient fixtures. It will also help ensure that the water company can still recover a reasonable rate of return while promoting water conservation. Currently, a water company's rate of return or revenues is based on use—the more water customers use, the more money the company makes. This creates a disincentive for water companies to promote conservation. This bill helps to overcome that disincentive by allowing for flexible rate structures and other measures such as the water conservation and sustainability adjustment and WICA.

CFE asks the Committee to vote favorably on S.B. 348, An Act Concerning Water Conservation.

**CFE supports S.B. 349**, An Act Concerning Training for Inland Wetlands Agency Members and Agents. Appropriate training of Inland Wetlands Agency members and agents is one of the most important components of ensuring that these valuable resources are protected.

This bill would leave all existing requirements for training in place. It would, however, have DEEP designate a "Basic Training" program for new members that will be available both on-line and as a classroom course. This Basic Training will be required for all new Inland Wetlands Agency members appointed on or after January 1, 2014. Having online access to the Basic Training program should help ensure that all new members receive the appropriate training within a reasonable time. In addition, beginning in January of 2015, designated agents will be required to complete an update course annually. If the agent fails to complete the annual update course, the Inland Wetlands Agency cannot delegate any authority to the agent until the agent completes the required update course. Finally, the bill would require each Inland Wetlands Agency to post, at least once a year, the training status of its members and send a copy to DEEP. Again, training is one of the most important components to protecting valuable inland wetland

resources. By creating a new Basic Training program and requiring delegated agents to attend an update course annually, this bill helps to ensure that Inland Wetland Agency members and agents are receiving the appropriate training.

CFE asks the Committee to vote favorably on S.B. 349, An Act Concerning Training for Inland Wetlands Agency Members and Agents.

**CFE opposes H.B. 5410**, An Act Transferring the Conservation Functions of the Department of Energy and Environmental Protection to the Department of Agriculture. The functions this bill seeks to transfer to the Department of Agriculture properly belong within the Department of Energy and Environmental (DEEP) protection, as they are central to DEEP's mission.

This bill will transfer all of the functions, powers and duties of DEEP described in title 23 or title 26 of the Connecticut General Statutes to a new Department of Agriculture *and Natural Resources* (DANR). State Parks, Wildlife, Fish and Game and Endangered Species are just a few of the programs that would be transferred from DEEP to DANR. These functions do not seem to fit within the mission or expertise of the Department of Agriculture. In addition, it makes practical sense to have the same agency that regulates the state's water quality to also oversee its fisheries. While that is just one example, the same reasoning and logic holds true for all of the functions under discussion. There is a strong connection between these functions and the mission of DEEP from a regulatory, protection and conservation standpoint.

Moreover, there is no efficiency created by moving these functions and all the employees that currently carry them out to a new agency. It does not reduce the number of agencies, or the number of programs, it just shifts them around.

For these reasons, CFE opposes H.B. 5410, and respectfully request that the Committee reject this bill.

Thank you for your time and attention to these important issues.